

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS SCOTT COCKRILL,

Defendant.

CR 21–19–M–DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on July 20, 2021. (Doc. 26.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Defendant Thomas Scott Cockrill’s guilty plea. Cockrill appeared before Judge DeSoto pursuant to Federal Rule of Criminal Procedure 11 and entered a plea of guilty to the three counts of

robbery affecting commerce, in violation of 18 U.S.C. § 1951(a) (Counts I, II, and III of the Indictment), and one count of brandishing a firearm in furtherance of a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A)(ii) (Count IV of the Indictment).

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 26) IN FULL.

IT IS FURTHER ORDERED that Thomas Scott Cockrill's motion to change plea (Doc. 18) is GRANTED, and Thomas Scott Cockrill is adjudged guilty as charged in Counts I, II, III, and IV of the Indictment.

DATED this 4th day of August, 2021.



Dana L. Christensen, District Judge
United States District Court